

Atty. Dkt. No. 00CR156/KE

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 2, 13 and 15 are requested to be cancelled without prejudice.

Claims 1, 10, 14, and 16 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1, 3-12, 14, and 16-21 are now pending in this application.

Claim Objections

In section 1 of the Office Action the Examiner objected to claim 13 under 37 C.F.R. 1.75(c), as being of improper dependent form. Applicants have cancelled claim 13 without prejudice.

In section 2 of the Office Action the Examiner objected to claims 10, 15, and 16 because of informalities. Applicants have amended claims 10 and 16 with the Examiner's suggested language to provide clarity. Claim 15 has been canceled without prejudice. Therefore, Applicants request the withdrawal of the objections to claims 10 and 16.

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Claim Rejections – 35 U.S.C. §102

In section 4 of the Office Action the Examiner rejected claims 1-8, 10-15, and 17-21 under 35 U.S.C. §102(e) as being anticipated by Krishnarajah et al. (U.S. 2003/0081592).

Applicants have amended independent claim 1 to recite “the important bits being those of which corruption will disrupt an entire frame of the file stream.” Krishnarajah et al. does not disclose, teach, or suggest that the bits that will disrupt an entire frame is identified. Without such a teaching, all of the claim limitations are not taught by Krishnarajah et al. The examiner states, with regard to claim 2, that such a limitation is taught at page 4, paragraph [0048] of Krishnarajah et al. Applicants respectfully submit that there is no teaching of identifying specifically bits that are important enough as to not disrupt an entire frame. All that is taught by Krishnarajah et al. is that high priority and high quality of service bits are identified. This is not the same as having to identify bits which would disrupt an entire frame. Accordingly, Applicants respectfully submit that all of the claim limitations of amended claim 1 are not disclosed or taught by Krishnarajah et al. Therefore, Applicants respectfully request that claims 1 and 3-9 be allowed.

With regard to independent claim 10, Applicants respectfully submit that Krishnarajah et al. does not disclose, teach, or suggest that the software component is located above a transport layer of the network. Without such a teaching, all of the claim limitations are not taught by Krishnarajah et al. The examiner states, with regard to claim 10, that such a limitation is taught by application program 150 shown in Figure 13 of Krishnarajah et al. Applicants respectfully submit that there is no teaching of where the software component is located except what Applicants describe with regard to the prior art depicted in Applicants’ FIG. 1. All that is taught by Krishnarajah et al. is that bits are divided into different payload classes. This is not requiring the software component be located above the transport layer. Accordingly, Applicants respectfully submit that all of the claim limitations of claim 10 are not disclosed or taught by Krishnarajah et al. Therefore, Applicants respectfully request that claims 10-12 be allowed.

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Applicants have amended independent claim 14 to recite "identifying gradations of importance of bits within a file stream by identifying bits that must be correctly received by the receiving device for a successful transmission; and identifying bits that are able to be discarded or transmitted via lossy compression techniques without detectable signal degradation;" Krishnarajah et al. does not disclose, teach, or suggest that the bits that are required for a successful transmission are identified and that bits that are able to be discarded or transmitted via lossy compression techniques are identified. Without such a teaching, all of the claim limitations are not taught by Krishnarajah et al. The examiner states, with regard to claim 15, that such a limitation is taught at page 4, paragraph [0048] of Krishnarajah et al. Applicants respectfully submit that there is no teaching of identifying bits required for successful transmission or identifying bits which would be discarded in a lossy compression technique.. All that is taught by Krishnarajah et al. is that high priority and high quality of service bits are identified. This is not the same as the subject matter recited in amended independent claim 14. Accordingly, Applicants respectfully submit that all of the claim limitations of amended claim 14 are not disclosed or taught by Krishnarajah et al. Therefore, Applicants respectfully request that claims 14 and 16-21 be allowed.

Claim Rejections 35 – U.S.C. §103

In Section 7 of the Office Action the Examiner rejected claims 9 and 16 under 35 U.S.C. §103(a) as being unpatentable over Krishnarajah et al. (U.S. 2003/0081592).

With regard to both claims 9 and 16 it is respectfully submitted that Applicants believe claims 9 and 16 to be allowable as depending from allowable claims 1 and 14.

Further, with regard to claim 9, Applicants respectfully submit that one of ordinary skill in the art would not be motivated to improve signal quality by 2dB to 5dB because the artisan would not have been aware of a need to improve the signal quality at this level since the artisan was not apprised of the claimed technique for doing so. Thus, only using Applicants disclosure,

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would one of ordinary skill in the art be likely to devise Applicants' invention of claim 9. Thus, Applicants request that claim 9 be allowed.

Further, with regard to claim 16, Applicants respectfully submit that one of ordinary skill in the art would not be motivated to discard bits which were identified as representing sounds beyond the range of human hearing or bits representing white lines or fine details in an image because the artisan would not have been aware of the ability to identify and discard such bits using Applicants' claimed technique. Thus, only using Applicants disclosure, would one of ordinary skill in the art be likely to devise Applicants' invention of claim 16. Thus, Applicants request that claim 16 be allowed.

* * * * *

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application. The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 18-1722. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 18-1722. If any extensions of time are needed for timely acceptance of papers submitted

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herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 18-1722.

Respectfully submitted,

Date

July 15, 2005

By



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